

HOUSE BILL 107

By Shepard

AN ACT to amend Tennessee Code Annotated, Title 44,  
Chapter 8, Part 4, relative to the punishment for  
allowing certain dogs to run at large.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 44-8-408, is amended by designating the existing language as subsection (a) and by adding the following new subsections:

(b)

(1) Except as provided in subsection (b)(2), a violation of this section is a Class C misdemeanor.

(2) Notwithstanding the provisions of subdivision (1), a violation of this section shall be punished as provided in subdivision (3) if the violation involves:

(A) A dog that was trained to fight, attack or kill or had been used to fight;

(B) A dog that, prior to the violation of this section, had bitten one (1) or more people on two (2) separate occasions that resulted in bodily injury or on one (1) occasion that resulted in serious bodily injury or death; or

(C) The owner of the dog violating this section knew of the dangerous nature of the dog.

(3) A violation of this section where one (1) or more of the factors set out in subdivision (2) are present shall be punished as follows:

(1) A Class A misdemeanor if the dog running at large causes damage to the property of another.

(2) A Class E felony if the dog running at large causes bodily injury to another.

(3) A Class D felony if the dog running at large causes bodily injury to more than one (1) person or serious bodily injury to another;

(4) A Class C felony if the dog running at large causes the death of another.

(c) Nothing in this section shall prohibit the state from prosecuting and convicting a person whose conduct violates this section under any other applicable statute in lieu of this section.

SECTION 2. Tennessee Code Annotated, Section 44-8-409, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.